



**Thompson Wigdor & Gilly LLP** ATTORNEYS AND COUNSELORS AT LAW

---

85 Fifth Avenue  
New York, NY 10003  
Tel 212.257.6800  
Fax 212.257.6845  
[www.twglaw.com](http://www.twglaw.com)

**Douglas H. Wigdor**  
[dwigdor@twglaw.com](mailto:dwigdor@twglaw.com)

April 26, 2011

**VIA ECF**

Honorable Sandra J. Feuerstein  
United States District Judge  
Eastern District of New York  
290 Federal Plaza  
Central Islip, New York 11722

Re: *Carter, et al. v. Incorporated Village of Ocean Beach, et al.*  
No. 07 Civ. 1215 (SJF) (ETB)

Dear Judge Feuerstein:

As you know, we represent Plaintiffs in the above-referenced matter and respectfully write in response to the Village Defendants', Suffolk County Defendants', and Defendant Hesse's respective motions for attorney fees, costs, and sanctions. As a threshold matter, we respectfully request clarification as to whether Your Honor will be deciding these motions – as they are currently noticed – or if they will be referred as non-dispositive motions to Magistrate Judge E. Thomas Boyle pursuant to Rule 4 of Your Honor's Individual Rules.

Moreover, we note that all of the Defendants have failed to comply with either Rule 4.B of Your Honor's Individual Rules or Rule 2.D of Magistrate Judge Boyle's Individual Motion Practices, both of which state that motions are not to be filed until the motion has been fully briefed.

In light of the above, pending clarification from Your Honor as to which Judge will be deciding these motions, as well as whether the current motions will be terminated without prejudice for re-filing in compliance with the Court's bundle rule, Plaintiffs intend to communicate with Defendants' on a mutually-agreeable briefing schedule that can be proposed to the Court.

Thank you for your consideration in this regard.

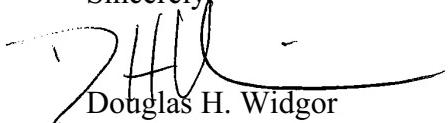
**Thompson Wigdor & Gilly LLP** ATTORNEYS AND COUNSELORS AT LAW

Hon. Sandra J. Feuerstein

April 26, 2011

Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "DHW".

Douglas H. Widgor

cc: Kenneth Novikoff, Esq. (via ECF)  
Arlene Zwilling, Esq. (via ECF)  
James Skelly, Esq. (via ECF)